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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ROOSEVELT ROSE,

Plaintiff,

-V-

OFFICER BIBLIARI, # 7050, et al.,

Defendants.

05 Civ. 9445 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.

On December 4, 2006, the Honorable Frank Maas, United States Magistrate Judge, issued a Report and Recommendation in the above-captioned matter recommending this case be dismissed without prejudice because of plaintiff's failure to take steps to prosecute this action.

In the intervening time, plaintiff has not filed any objection to the Report and Recommendation or otherwise contacted the Court. Under the circumstances, plaintiff has waived any right to further appellate review of this matter. See Thomas v. Arn, 474 U.S. 140, 147-48 (1985); Mario v. P & C Food Markets, Inc., 313 F.3d 758, 766 (2d Cir. 2002); Spence v. Superintendent, Great Meadow Corr. Facility, 219 F.3d 162, 174 (2d Cir. 2000). Accordingly, the Court hereby adopts the Report and Recommendation, and, for the reasons therein, dismisses this case without prejudice. Clerk to enter judgment.

SO ORDERED.

*[Signature]*

JED S. RAKOFF, U.S.D.J.

Dated: New York, New York  
January 13, 2007